

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRETT RODRIGUEZ,
Plaintiff

v.

CARBON COUNTY; JOSEPH HAGER;
KIRK F. SCHWARTZ; AGENT
BODDEN; JIM THORPE BOROUGH;
and MATTHEW SCHWARTZ,
Defendants

: No. 3:20cv258
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: (Judge Munley)
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ORDER

AND NOW, to wit, this 25th day of March 2025, for the reasons set forth
in an accompanying memorandum, it is hereby **ORDERED** that:

- 1) Defendants Carbon County and Joseph Hager's motion for summary judgment (Doc. 80) is **GRANTED**;
- 2) The Clerk of Court is directed to enter judgment in favor of Defendant Hager on Plaintiff Brett Rodriguez's first and second claims for relief in the amended complaint and dismiss Hager as a party to this litigation;
- 3) The Clerk of Court is directed to enter judgment in favor of Defendant Carbon County on the plaintiff's first claim for relief and dismiss that municipality from this action;
- 4) Defendants Kirk F. Schwartz ("Agent Schwartz"), Agent Bodden ("Agent Adames"), Jim Thorpe Borough, and Matthew Schwartz's ("Officer

Schwarz”) motion for partial summary judgment (Doc. 88) is **GRANTED** in part and **DENIED** in part;

- 5) Regarding Defendant Agent Schwartz, summary judgment is **GRANTED** in favor of this defendant regarding plaintiff’s Section 1983 claims for unreasonable search and malicious prosecution and plaintiff’s state law claim for malicious prosecution;
- 6) The motion for summary judgment is otherwise **DENIED** as to Defendant Agent Schwartz;
- 7) Regarding Defendant Agent Adames, summary judgment is **GRANTED** in favor of this defendant regarding plaintiff’s Section 1983 claims for: 1) unreasonable search; 2) excessive force; and 3) malicious prosecution and regarding plaintiff’s state law claims for: 1) assault and battery; and 2) malicious prosecution;
- 8) The motion for summary judgment is otherwise **DENIED** as to Defendant Agent Adames;
- 9) Regarding Defendant Officer Schwarz, summary judgment is **GRANTED** in favor of this defendant regarding plaintiff’s Section 1983 claims for unreasonable search;

- 10) The motion for summary judgment is otherwise **DENIED** as to Defendant Officer Schwarz;
- 11) The Clerk of Court is directed to enter judgment in favor of Defendants Agent Schwartz, Agent Adames, and Officer Schwarz in accordance with Paragraphs 4-10 of this order.
- 12) Regarding Defendant Jim Thorpe Borough, summary judgment is **GRANTED** in favor of this defendant; and
- 13) The Clerk of Court is directed to enter judgment in favor of Jim Thorpe Borough on the plaintiff's first claim for relief and dismiss that municipality from this action.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court